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Docket No. F-6906

Ser. No. 09/812,249

REMARKS**REMARKS**

Claims 2-5 and 7-16 remain in this application. Claims 2-5, 8, and 11-14 are allowed. Claims 7, 9, 15 and 16 are rejected. Claim 10 is objected to. Claims 1 and 6 are previously cancelled. Claims 7, 9 and 16 are amended herein to clarify the plain meaning of the previously existing claim language and thus do not alter the original meaning nor introduce new issues and are hence unrelated to substantive patentability issues.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 7, 9, 15 and 16 are rejected as obvious over the art of Fig. 9 of the application in view of the Assai reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

The Examiner explains the rejection of independent claim 7 in the Response to Arguments section of the amendment stating:

The examiner disagrees, applicant is referred to Fig. 7 of APA, which shows a plate 9a that is parallel to the axis rotation (sic) of the annular drive. It is noted that plate 9a being (sic) circular in shape and clearly that plate 9a being (sic) surrounded and parallel

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to its axis rotation (sic) of the annular drive. Therefore, the limitation recites (sic) "a mounting plate that is arranged in parallel to the axis of rotation of the annular drive" is held to be satisfied by APA.

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64 U.S.P.Q.2d (BNA) 1812, 1818-19 (Fed. Cir. 2002) ("If more than one dictionary definition is consistent with the use of the words in the intrinsic record, consistent with the use of the claim terms may be construed to encompass all such consistent meanings."). Applicant submits herewith a copy of the definitions of "plate" provided in *Webster's New Universal Unabridged Dictionary*, (1996), pg 1483. The Examiner's attention is directed to the definition of "plate" inarguably applicable to the claim language which states that a plate is "a thin flat sheet of pieces of metal or other material." Since the qualifying term "flat" is clearly meaning planar and is subject to the adverb "parallel," the recitation that a plate is parallel an entity requires that the flatness of the plate be parallel to the entity. As such a plain language reading of the claim prior to the present amendment distinguished over the cited art. If one were referring to a surface of a plate other than the expanse which provides for the defining flat characteristic, one would recite that "the *edge surface* of the plate" is parallel to something. Without such qualification, it is universally understood that the *flatness* of the plate is referred to. Thus, the Examiner's proffered interpretation of the claim language is inconsistent with plain usage and therefore not a reasonable interpretation in light of the specification and known usage specification provides nothing to suggest other than the common usage.

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In order to address the Examiner's concerns, applicants have added claim language which does not alter the claim meaning, but merely makes clear the meaning universally understood. As such, entry of such language does not raise any issues that should not have otherwise been considered. The remaining claims are amended merely to make language consistent with claim 7 and likewise do not change claim meaning or raise new issues.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 7, 9, 15 and 16 and their allowance are respectfully requested.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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enc: Webster's New Universal Unabridged Dictionary, (1996), pg 1483.

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